

REMARKS

This Amendment is in response to the Office Action mailed March 17, 2011. With this Amendment Claims 1, 18, 19, and 20 are amended and the remaining claims are unchanged. No claims are cancelled. New Claim 21 has been added, with support found in the originally filed Specification. This Amendment is filed concurrently with a Request for Continued Examination. Reconsideration and withdrawal of the rejections are respectfully requested in view of the following remarks.

I. Nonstatutory Double Patenting Rejection

The Examiner has provisionally rejected claim 1 based on obviousness-type double patenting as being unpatentable over claim 1 of US Patent No. 7,853,609, in view of US Patent Publication 2004/0019889. Because the rejection is provisional, applicant requests that this rejection be held in abeyance until allowable claims are identified in the present Application.

II. Cited References

The following references have been cited in the rejections:

Davis (US 6,282,712)

East (US 2003/0061323)

Islam (US 7,519,964)

Melchione1 (US 2004/0019889)

Melchione2 (US 2003/0200300)

III. Rejections under §103

A. Claims 1, 19 and 20

Type of Response: Amendment
Application Number: 10/537720
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Filing Date: 06/07/2005

In the Office Action Claims 1, 19 and 20 were rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over Davis in view of East, in further view of Melchione¹. The Applicant has reviewed the cited references and must respectfully disagree. Nonetheless, for the sole purpose of expediting prosecution, Applicant has amended Claims 1, 19 and 20 in a manner which Applicant believes overcomes the rejection.

Amended Claim 1 recites, in part, “the update web service being operable to create a catalog of software updates, receive a request for the catalog from a particular child update service node, and responsively provide a catalog listing a limited set of software updates based on a distribution group to which the particular child update service node belongs...”. Thus, Claim 1 requires that the update web service be operable to respond to a product catalog request, and in response, providing a product catalog listing a limited set of software updates based on a distribution group to which the child update service node belongs.

Amended Claim 20 recites, in part, “receiving a request for a product update catalog from the particular child update service node...; sending a product update catalog to the particular child update service node, the product update catalog listing a limited set of software updates available for distribution to the particular child update service node, the limited set of software updates being determined based on the group in which the particular child update service node is a member; and receiving a selection of one or more software updates listed in the product update catalog from the particular child update service node.” Thus, in addition to responsively sending a catalog listing a limited set of software updates to a particular child update service node, Claim 20 includes receiving a selection of software updates from the child update service node.

Type of Response: Amendment
Application Number: 10/537720
Attorney Docket Number: 304393.02
Filing Date: 06/07/2005

Applicant submits that Davis, East and Melchione¹ fail to teach each and every element of Claim 1 or Claim 20. The Office action asserts that Davis discloses requesting a product update catalog listing software updates available for distribution and selecting one or more software updates from the product update catalog at Column 13, lines 55–61. Applicant respectfully disagrees. Nonetheless, Claims 1 and 20 have been amended to further clarify features related to the product update catalog.

For ease of explanation, the cited section of Davis is reproduced here:

“In this step, the site configuration manager adds the preferred services of the administrator to a list of services for the new client server that is stored in the NT registry. After adding the services to the NT registry, the site configuration manager determines if there are editions of services available for the natural language, the type of operating system and the type of processor of the new client server (step 618). In this step, the site configuration manager accesses the system map file, which has an indication of all the editions of software on the site server. If there is an edition of the services available, the site configuration manager creates a directory structure on the client server, copies the files to the client server, installs the services and starts the services (step 622).” Davis, Col. 13, ll. 55 – 61.

In the foregoing section, the site configuration manager creates a directory structure and copies the files to the client server, and installs and starts the services. While the foregoing section mentions a “list of services”, the section does not mention receiving a *request for a product catalog from a child update service node*. Furthermore, the foregoing section does not mention *responsively providing* the requested product catalog to the child update service node, let alone limiting the set of software updates available to the child update service node.

For example, it appears that Davis’s system does not allow for a child update service node to request a product catalog. Davis’s system further fails to limit a set of

Type of Response: Amendment
Application Number: 10/537720
Attorney Docket Number: 304393.02
Filing Date: 06/07/2005

software products listed in a catalog and responsively provide the catalog to the requesting child update service node.

Furthermore, Claim 20 requires receiving a selection of one or more software updates listed in the product update catalog from the particular child update service node. Davis fails to teach or suggest this element for at least the reason that Davis's system apparently automatically installs and starts services on a client server without providing a catalog from which the client server could select one or more listed products.

As presently understood by the undersigned, East and Melchione¹ fail to compensate for the deficiencies of Davis discussed above. For at least these reasons, Claims 1, 20 and any respective dependent claims are believed to be allowable over the cited art.

With reference to Claim 19, although applicant traverses the Office's rejection, Applicant has amended Claim 19 to recite, in part, "authenticating a particular child update service node; and sending *a time-sensitive token* to the particular child update service node, the time-sensitive token authorizing the particular child update service node to request updates for a limited time." As presently understood by the Applicant, Davis, East and Melchione¹ do not teach or suggest at least this element of Claim 19.

For example, Davis's system discusses "*automatically installing software on heterogeneous computer systems*" (Davis, e.g., Abstract). Davis does not mention sending a time-sensitive token that a child update service node (or similar system) could use to request updates for a limited time. East discusses propagating update information to a top-level master administrative server, which in turn conveys the update information to one or more lower-level remote administrative servers, which in

Type of Response: Amendment
Application Number: 10/537720
Attorney Docket Number: 304393.02
Filing Date: 06/07/2005

turn convey the update information to the thin clients; however, Applicant can find no teaching in East of an authorization token as claimed.

Melchione1 relates to a system of software distribution in stages (Melchione1, e.g., Abstract); however, Applicant can find no teaching in Melchione1 of an authorization token as claimed.

Because Davis, East and Melchione1 fail to teach or suggest each and every element of Claim 19, Claim 19 and its dependent claims are believed to be allowable. Such allowance is respectfully requested.

Therefore, Davis, East and Melchione1, either together or in combination, fail to teach or reasonably suggest each and every element of Claim 1, Claim 19 or Claim 20. For at least the foregoing reasons, Claims 1, 19, 20 and respective dependent claims are believed to be allowable. Applicant respectfully requests withdrawal of the rejection.

B. Claims 2, 3 and 16

In the Office Action Claims 2, 3 and 16 were rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over Davis in view of East, in further view of Melchione1, and in further view of Islam. The Applicant has reviewed the cited references and must respectfully disagree.

As admitted by the Office, Davis and East do not explicitly disclose wherein the configuration interface exposes a get configuration interface call which returns configuration values to the update service node. Applicant traverses the Office's assertion that the elements of Claims 2, 3 and 16 were well known in the art at the time of the invention, as taught by Islam.

Islam describes a system for assembling and compiling a set of source code and related resource files on a domain administration server coupled to an application

Type of Response: Amendment
Application Number: 10/537720
Attorney Docket Number: 304393.02
Filing Date: 06/07/2005

repository. Islam fails to discuss receiving a request for a product catalog and responsively sending a product catalog having a limited list of software updates, as recited in Claim 1. Similarly, Applicant can find no teaching or reasonable suggestion of these elements of Claim 1 in Melchione1.

As such, Islam and Melchione1 fail to compensate for the deficiencies of Davis or East. Claims 2, 3 and 16 are therefore believed to be allowable over the cited references.

In addition, it would not have been obvious to combine Davis, East, Islam and Melchione1 in the manner suggested by the office. The different manners and contexts in which the systems of Davis, East, Islam and Melchione1 operate suggest that the proposed combination would render any or all of these systems unsatisfactory for their intended purposes and/or change the principle of operation of the references. (See MPEP § 2143.01). For at least this additional reason, Claims 2, 3 and 16 are allowable over the cited references.

C. Claims 4–9 and 11–15

In the Office Action Claims 4–9 and 11–15 were rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over Davis in view of East, in further view of Melchione1, in further view of Islam, and in further view of Melchione2. The Applicant has reviewed the cited references and must respectfully disagree.

Melchione2 relates to a system in which multiple separate customers can enter into separate agreements with a vendor who provides application services to the customer via provider (Melchione2, e.g., Abstract). Melchione2 does not appear discuss receiving a product catalog request and responsively sending a product catalog having a limited list of software updates available to the requestor, as recited in Claim 1.

Type of Response: Amendment
Application Number: 10/537720
Attorney Docket Number: 304393.02
Filing Date: 06/07/2005

As such, Melchione2 fails to compensate for the deficiencies of Davis, East, Melchione1 and Islam. For at least this reason, claims 4-9 and 11-15 are believed to be allowable over the cited references. Applicant respectfully requests withdrawal of the rejection.

D. Claim 10

In the Office Action Claim 10 was rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over Davis in view of East, in further view of Islam, in further view of Melchione1, in further view of Melchione2, and in further view of Sierer. The Applicant has reviewed the cited references and must respectfully disagree.

As an initial matter, the fact that no fewer than 6 references had to be used as the basis of this rejection is evidence that the combination would not have been obvious. For this reason alone, Applicant submits that Claim 10 is not obvious.

As acknowledged by the Office, and agreed to by the Applicant, none of Davis, East, Islam and Melchione1 or Melchione2 disclose a Boolean value in the interface call. Applicant disagrees that Sierer makes up for this deficiency.

As presently understood by the undersigned, Sierer relates to programmatically generating an application system installer for programmatic deployment of an application system onto a target system (Sierer, [0026]). However, Sierer apparently does not discuss receiving a request for a product catalog and responsively providing a catalog of limited products available to the requestor, as discussed with respect to Claim 1.

Accordingly, Sierer fails to compensate for the deficiencies of Davis, East, Islam, Melchione1 and Melchione2. Therefore, claim 10 is allowable for at least the reasons given above with respect to claim 1, from which claim 10 ultimately depends. Withdrawal of the rejection is respectfully requested.

Type of Response: Amendment
Application Number: 10/537720
Attorney Docket Number: 304393.02
Filing Date: 06/07/2005

E. Claim 18

In the Office Action Claim 18 was rejected under 35 U.S.C. §103(a) as purportedly being unpatentable over Islam in view of Melchione1, in further view of Davis, and in further view of Melchione2. The Applicant has reviewed the cited references and must respectfully disagree.

Amended Claim 18 recites, in part, “an update service node operable to receive a product catalog request from a particular computer and responsively provide a product update catalog listing a limited set of the software updates, the limited set of software updates being only those software updates that the particular computer is authorized to distribute based on a target group to which the particular computer belongs”.

As discussed above with respect to claims 1 – 16, as presently understood by the undersigned, Islam, Davis and Melchione1 fail to teach or reasonably suggest an update service node receiving a request for a product catalog and responsively sending a product catalog listing a limited set of software updates. For

Melchione2 relates to a system in which multiple separate customers can enter into separate agreements with a vendor who provides application services to the customer via provider (Melchione2, e.g., Abstract). Melchione2 does not appear to discuss or reasonably suggest receiving a request for a product catalog and responsively providing a catalog of limited products available to the requestor. For at least this reason, claim 18 is believed to be allowable.

In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. (See MPEP § 2141.02. However, the Office’s rejection appears to fail to consider claim 18 as a whole. Rather, the rejection parses claim 18 into component elements and uses the

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Application Number: 10/537720
Attorney Docket Number: 304393.02
Filing Date: 06/07/2005

elements like a dictionary to find references supporting the rejection, apparently without consideration of the combination of the elements as a whole.

When considered as a whole, however, it would not have been obvious to combine the elements in the manner recited in Claim 18. As described in the specification, the combination of elements claimed can offer significant benefits in terms of local distribution control and download efficiency, as well as savings in communication bandwidth. Accordingly, for at least this additional reason, claim 18 is allowable over the cited references.

F. New Claim 21

With this amendment, new claim 21 has been added. Support for these new claims can be found at least in paragraph [0062] of the published Application. For at least the reasons discussed above, claim 21 is believed to be allowable over the art of record. In addition, claim 21 includes element that further distinguish claim 21 from the art of record.

IV. CONCLUSION

Accordingly, in view of the above amendment and remarks it is submitted that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. Reconsideration and allowance of the pending claims are respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If

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Application Number: 10/537720
Attorney Docket Number: 304393.02
Filing Date: 06/07/2005

there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,
Microsoft Corporation

Date: June 16, 2011

By: /Damon A. Rieth/

Damon A. Rieth Reg. No.: 52,167
Attorney for Applicants
Direct telephone (425) 421-2377
Microsoft Corporation
One Microsoft Way
Redmond WA 98052-6399

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/Eric Matt/
Eric Matt

Type of Response: Amendment
Application Number: 10/537720
Attorney Docket Number: 304393.02
Filing Date: 06/07/2005